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February 7, 2007

VIA ELECTRONIC FILING

The Honorable Gregory M. Sleet
United States District Judge
J. Caleb Boggs Federal Building
844 N. King Street, Lockbox 18
Wilmington, DE 19801

Re: Merck & Co. Inc. v. Apotex, Inc.
C. A. No. 06-230-GMS

Dear Judge Sleet:

In anticipation of the discovery teleconference scheduled for February 9, 2007 at 11:30 a.m. in the above-referenced matter, the parties jointly submit the following agenda items:

1. Merck's responses to Apotex's second set of interrogatories, specifically nos. 13, 14, and 17.
2. Depositions sought by Apotex.
3. Merck's request to stay discovery, including depositions, pending resolution of Merck's motion to dismiss for lack of subject matter jurisdiction.

Respectfully,

/s/ Richard L. Horwitz

Richard L. Horwitz

RLH/msb
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cc: Clerk of the Court (via hand delivery)
Mary Graham (via electronic mail)
John Lynch (via electronic mail)
Nicolas G. Barzoukas (via electronic mail)